

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 5
Mtg. Date September 15, 2015
Dept. City Attorney

Item Title: Ordinance No. 431 - Lemon Grove Community Advisory Commission

Staff Contact: James P. Lough, City Attorney

Recommendation:

Conduct the second reading by title of Ordinance No. 431 (**Attachment A**) adopting the Lemon Grove Community Advisory Commission Ordinance (**Attachment B**).

Item Summary:

On September 1, 2015, the City Council introduced and conducted the first reading of Ordinance 432. The ordinance changes the municipal code TO re-task the Planning Commission into a Community Advisory Commission with permanent and temporary members. The Community Advisory Commission (CAC) replaces the Planning Commission and the City Council assumes planning duties once held by the Commission. The Community Advisory Commission will work on specific assignments delegated by the City Council involving any subject matter that the City Council seeks advice and counsel.

The Planning Commission is scheduled to meet on a continued Public Hearing on September 28, 2015. The effective date of this ordinance if approved, will be October 16, 2015.

Once this Ordinance is approved, staff will return with other implementing Ordinances.

Fiscal Impact:

None

Environmental Review:

☒ Not subject to review

☐ Negative Declaration

☐ Categorical Exemption, Section

☐ Mitigated Negative Declaration

Public Information:

☒ None

☐ Newsletter article

☐ Notice to property owners within 300 ft.

☐ Notice published in local newspaper

☐ Neighborhood meeting

Attachments:

A. Ordinance No. 431 - Community Advisory Commission

B. Strike Out/Underline LGMC Chapter 2.08

ORDINANCE NO. 431

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA AMENDING AND RENAMING CHAPTER 2.08 TO ELIMINATE THE PLANNING COMMISSION AND ESTABLISH THE COMMUNITY ADVISORY COMMISSION IN CHAPTER 2.08 OF THE LEMON GROVE MUNICIPAL CODE

WHEREAS, on January 20, 2015, the City Council of the City of Lemon Grove considered various options related to the need for a Planning Commission and possible alternatives for community input; and

WHEREAS, on May 5, 2015, the City Council determined to assume the role of the planning agency of the City of Lemon Grove and begin the process to eliminate the Planning Commission and create the Community Advisory Commission as well as other changes in public noticing; and

WHEREAS, the Community Advisory Commission would consist of three permanent members and temporary members that are to be appointed on a case-by-case basis by subsequent Resolution; and

WHEREAS, the City Council desires to assume the role of planning agency as authorized by the California Government Code;

NOW THEREFORE, the City Council of the City of Lemon Grove does ordain as follows;

1. Lemon Grove Municipal Code Chapter 2.08 is amended to read as shown in Exhibit A (Attachment C), which is attached hereto and incorporated herein by reference.

INTRODUCED by the City Council on September 1, 2015. **PASSED AND ADOPTED** by the City Council of the City of Lemon Grove, State of California, on September 15, 2015 by the following vote:

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ATTACHMENT B

EXHIBIT A

PROPOSED LANGUAGE: (STRIKE OUT/REDLINE)

Chapter 2.08 ~~COMMUNITY ADVISORY COMMISSION~~~~PLANNING COMMISSION~~

2.08.010 Creation.

~~—The Community Advisory Commission (“Commission”) is created to advise the City Council on issues of community importance, under the terms and conditions established by resolution of the City Council. There is created in the city a planning commission referred to in this chapter as the commission. (Ord. 431 § 1, 2015; Ord. 52 § 1, 1980; Ord. 23 § 1, 1978)~~

2.08.020 Membership.

~~The commission~~Community Advisory Commission shall consist of ~~five~~three permanent members who shall be residents of the ~~city~~City. ~~By resolution, the City Council shall appoint additional members that serve for a limited duration (temporary) to assist the permanent members in the study of issues assigned to the Community Advisory Commission by the City Council. Limited duration members shall be residents, business owners, property owners and/or other stakeholders within the City. (Ord. 431 § 1, 2015; Ord. 190, 1991)~~

2.08.030 Votes.

Each member of the ~~commission~~Commission, temporary and permanent, shall have one vote. (Ord. 431 § 1, 2015; Ord. 52 § 3, 1980; Ord. 23 § 3, 1978)

2.08.040 Terms.

~~Permanent m~~Members of the ~~commission~~Commission shall be appointed by the City ~~council~~Council and shall serve for a period of three years, or until reappointment or appointment of a successor. ~~Temporary members of the Commission shall be appointed for a limited duration by resolution of the City Council that establishes the task to be studied by the Commission or by subsequent resolution. The temporary Commission members shall serve for the length of time designated in the resolution of the City Council establishing the matter to be studied or as amended by subsequent resolution of the City Council. (Ord. 431 § 1, 2015; Ord. 294, 1999; Ord. 190, 1991)~~

2.08.050 Vacancies.

~~Vacancies in the permanent members of the Commission~~commission occurring other than by expiration of the term shall be filled by appointment by the ~~council~~Council upon recommendation by the Mayor. ~~Vacancies of temporary members may be filled by subsequent resolution of the City Council. (Ord. 431 § 1, 2015; Ord. 52 § 7, 1980; Ord. 23 § 7, 1978)~~

2.08.060 Res~~ignation~~ ~~tirement~~ upon ~~unexcused~~ absence.

Absence from three consecutive regular meetings ~~of the Commission shall may~~be deemed ~~by the city council~~to constitute a ~~resignation~~tirement of such member ~~unless excused by the City Council. Unless an absence is excused, and the position shall be declared~~vacant. (Ord. 431 § 1, 2015; Ord. 52 § 8, 1980; Ord. 23 § 8, 1978)

ATTACHMENT B

2.08.070 Quorum.

A majority of voting members~~Three voting members~~ shall constitute a quorum at any meeting. (Ord. 431 § 1, 2015; Ord. 52 § 9, 1980; Ord. 23 § 9, 1978)

2.08.080 Compensation.

Members ~~may~~will be compensated at a rate established by the ~~city~~City council~~Council~~. (Ord. 431 § 1, 2015; Ord. 191, 1991)

2.08.090 Powers and duties.

The Commission~~commission~~ shall have all of the powers and duties established by state law, ~~and by~~ ordinances and resolutions, which the Council may enact. The City Council, acting as the planning body under State law, may delegate to the Commission advisory functions on a case-by-case basis by resolution. (Ord. 431 § 1, 2015; Ord. 52 § 11, 1980; Ord. 23 § 10, 1978)

2.08.100 Rules and regulations.

In absence of rules and regulations adopted by the City Council by resolution, ~~t~~The Commission~~commission~~ may prepare and adopt rules and regulations for the internal government of its business and designate the time and place for holding meetings. (Ord. 431 § 1, 2015; Ord. 52 § 12, 1980; Ord. 23 § 11, 1978)

2.08.110 Plans.

It is the duty of the Commission~~commission~~ to advise the City Council upon the amendment or revision of the General Plan when requested by the City Council. ~~adopt a general plan, as defined by state law, for the physical development of the city and to make such other plans, studies and recommendations as it may deem necessary to insure an orderly and beneficial development of the city.~~ (Ord. 431 § 1, 2015; Ord. 52 § 13, 1980; Ord. 23 § 12, 1978)

PROPOSED LANGUAGE: (CLEAN VERSION)

Chapter 2.08 COMMUNITY ADVISORY COMMISSION

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The Community Advisory Commission ("Commission") is created to advise the City Council on issues of community importance, under the terms and conditions established by resolution of the City Council. (Ord. 431 § 1, 2015; Ord. 52 § 1, 1980; Ord. 23 § 1, 1978)

2.08.020 Membership.

The Community Advisory Commission shall consist of three permanent members who shall be residents of the City. By resolution, the City Council shall appoint additional members that serve for a limited duration (temporary) to assist the permanent members in the study of issues assigned to the Community Advisory Commission by the City Council. Limited duration members shall be residents, business owners, property owners and/or other stakeholders within the City. (Ord. 431 § 1, 2015; Ord. 190, 1991)

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Permanent members of the Commission shall be appointed by the City Council and shall serve for a period of three years, or until reappointment or appointment of a successor. Temporary members of the Commission shall be appointed for a limited duration by resolution of the City Council that establishes the task to be studied by the Commission or by subsequent resolution. The temporary Commission members shall serve for the length of time designated in the Resolution of the City Council establishing the matter to be studied or as amended by subsequent resolution of the City Council. (Ord. 431 § 1, 2015; Ord. 294, 1999; Ord. 190, 1991)

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Vacancies in the permanent members of the Commission occurring other than by expiration of the term shall be filled by appointment by the Council upon recommendation by the mayor. Vacancies of temporary members may be filled by subsequent Resolution of the City Council. (Ord. 431 § 1, 2015; Ord. 52 § 7, 1980; Ord. 23 § 7, 1978)

2.08.060 Resignation upon unexcused absence.

Absence from three consecutive regular meetings of the Commission shall be deemed City Council to constitute a resignation of such member unless excused by the City Council. Unless an absence is excused, the position shall be vacant. (Ord. 431§ 1, 2015; Ord. 52 § 8, 1980; Ord. 23 § 8, 1978)

2.08.070 Quorum.

A majority of voting members shall constitute a quorum at any meeting. (Ord. 431§ 1, 2015; Ord. 52 § 9, 1980; Ord. 23 § 9, 1978)

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Members may be compensated at a rate established by the City Council. (Ord. 431 § 1, 2015; Ord. 191, 1991)

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The Commission shall have all of the powers and duties established by state law, ordinances and resolutions, which the Council may enact. The City Council, acting as the planning body under State law, may delegate to the Commission advisory functions on a case-by-case basis by Resolution. (Ord. 431 § 1, 2015; Ord. 52 § 11, 1980; Ord. 23 § 10, 1978)

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In absence of rules and regulations adopted by the City Council by Resolution, the Commission may prepare and adopt rules and regulations for the internal government of its business and designate the time and place for holding meetings. (Ord. 431 § 1, 2015; Ord. 52 § 12, 1980; Ord. 23 § 11, 1978)

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It is the duty of the Commission to advise the City Council upon the amendment or revision of the General Plan when requested by the City Council. (Ord. 431 § 1, 2015; Ord. 52 § 13, 1980; Ord. 23 § 12, 1978)